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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,308

03/13/2004

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EXAMINER

DAVIS, OCTAVIA L

ART UNIT

PAPER NUMBER

2855

MAIL DATE

DELIVERY MODE

08/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,308

Applicant(s)

COONEY, DANIEL E.

Examiner

Octavia Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 20-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-19 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/13/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6 and 8 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent et al (3,906,123) in view of Krockenberger (3,438,914).

Regarding claims 1, 6 and 8 – 11, Vincent et al disclose a self-contained pressure sensitive record system comprising a material (paper) having a surface, an indicator coating having an impact-sensitive component that produces a visible change when subjected to a mechanical impact, applying the coat to the surface of the material (See Col. 4, lines 1 – 13) and subjecting the material to a load and inspecting the material having the indicator paint thereon for the presence of the visible change (See Col. 6, lines 18 – 28), the first reactant and the second reactant react together to produce the visible change upon the impact (See Col. 4, lines 25 – 42), the coating being a light absorbing material that includes a dye (See Col. 4, lines 6 – 13 and 33 – 36) and the material being accurately monitored during a series of tests (See Col. 6, lines 34 – 66 and Col. 7, lines 1 – 54) but does not disclose that the indicator paint or coating is an adherent, weather-resistant and discoloration resistant coating. However, Krockenberger discloses a water base paint composition that is readily applied to a material surface by brushing, spraying or rolling, that has excellent penetration and good flexibility with toughness even at temperatures below freezing thereby providing a durable, non-

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tacky finish having excellent resistance to the deteriorating effects of weathering and having excellent resistance to staining and discoloration due to the leaching of substances from the wood that bleed and penetrate through the wood onto the paint film (See Col. 1, lines 47 – 57, Col. 3, lines 31 – 33 and Col. 6, lines 20 – 40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vincent et al according to the teachings of Krockenberger for the purpose of, advantageously using a water based paint system over previously painted or unpainted surfaces without fear of staining or discoloration of the paint (See Krockenberger, Col. 7, lines 71 – 75 and Col. 8, lines 1 – 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 – 5, 14 – 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent et al and Krockenberger, as applied to claims 1, 6 and 8 – 11 above, and further in view of Szweda et al (5,488,017).

Regarding claims 2 – 5, 14 and 24, Vincent et al and Krockenberger disclose all of the limitations of these claims except for a teaching that the material has a tensile elongation to failure of less than about 2 percent. However, Szweda et al disclose a fiber reinforced ceramic matrix

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composite member comprising a reinforced ceramic matrix composite member represented by curve 2 having a percent elongation of failure in excess of about 0.4% (See Col. 8, lines 21 – 23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vincent et al and Krockenberger according to the teachings of Szweda et al for the purpose of, producing ceramic composite articles including a method of controlling the porosity in the matrix of a ceramic matrix composite material to curb undesirable porosity (See Szweda et al, Col. 3, lines 24 – 28).

Regarding claims 15 and 16, in Vincent et al, the coating is a light absorbing material that includes a dye (See Col. 4, lines 6 – 13 and 33 – 36).

Regarding claim 17, in Vincent et al, the material is accurately monitored during a series of tests (See Col. 6, lines 34 – 66 and Col. 7, lines 1 – 54).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12, 13, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent et al, Krockenberger and Szweda et al, as applied to claims 1 - 6, 8 – 11, 14 – 17 and 24 above, and further in view of Yamamura et al (4,618,529).

Regarding claims 12, 13, 18 and 19, Vincent et al, Krockenberger and Szweda et al disclose all of the limitations of these claims except for teachings that design limits are determined for the

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composite, low ductility, polymer-matrix and ceramic material when the material has or does not have the paint applied thereto. However, Yamamura et al disclose a fiber-reinforced ceramic composite material comprising steps for determining a design criteria for the ceramic composite material including analyzing various properties of the material to achieve a desired composite material (See Col. 6, lines 52 – 64 and Cols. 11 and 12, Table 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vincent et al, Krockenberger and Szweda et al according to the teachings of Yamamura et al for the purpose of, providing a ceramic composite material with a critical stress factor to achieve a great improvement in the inherent brittleness and non-uniformity in the mechanical strength of ceramics and a composite material that is suitable for used as a structure material (See Yamamura et al, Col. 7, lines 26 – 36).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Erwin (3,452,861) discloses a decorative wood grain sheet material for automobile panels.

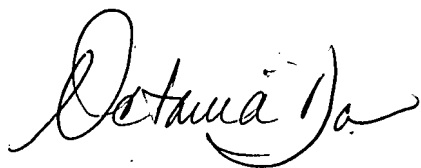
Lewis et al (4,010,311) disclose impact resistant glass polyesterurethane laminates.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Octavia Davis whose telephone number is 571-272-2176. The examiner can normally be reached on Mon through Thurs from 9 to 5. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



OD/2855

8/12/07



MICHAEL CYGAN, PH.D.
PRIMARY EXAMINER